



REPORT OF THE CITIZENS COMMITTEE ON PIPELINE SAFETY

July 26, 2002

HISTORY

On June 10, 1999, a sixteen-inch diameter petroleum pipeline, operated by the Olympic Pipeline Company, ruptured spilling approximately 230,000 gallons of refined gasoline into Whatcom Creek in Bellingham, Washington. The volatile fluid ignited, killing three persons, and badly damaged the habitat surrounding Whatcom Creek. This incident focused public awareness in Washington State upon the subject of pipeline safety.

Washington State has always had the authority to regulate intrastate pipelines, and the Washington Utilities & Transportation Commission (WUTC) has had a pipeline safety engineering staff since 1955. The staff in year 1999 was approximately six full-time-equivalent (FTE) inspectors, including an engineering director.

There are approximately 18,645 miles of intrastate natural gas pipelines and 92 miles of intrastate hazardous liquid pipelines within Washington State. By contrast, there are approximately 1,770 miles of interstate natural gas pipelines, and 715 miles of interstate hazardous liquid pipelines within Washington State. Even though the state has oversight over intrastate pipelines, that authority did not extend to interstate pipelines. The federal Office of Pipeline Safety (OPS) had authority over interstate pipelines. At the time of the Bellingham accident, Washington State was served by less than one full-time-equivalent OPS inspector.

Subsequent to the Bellingham accident, the Governor formed a special task force, the Fuel Accident Prevention and Response Team (FAPRT), to look at pipeline safety. The key findings were:

- Washington should pursue changes in the federal Pipeline Safety Act to eliminate federal preemption or, alternatively, the law should be changed to direct the OPS to delegate authority to qualified states to regulate interstate pipelines.
- Washington should seek voter approval to impose fees on all pipeline operators for an expanded program of pipeline safety and improved emergency response capability.
- Enhance public education and awareness efforts, a single statewide number should be established for call-before-digging notification.

Based on these recommendations, two bills were introduced into the 56th Legislature, 2000 Regular Session to expand Washington State's role in pipeline safety. **HB 2420** set up a state program to regulate both interstate and intrastate pipelines, pending authorization of the federal OPS, and **SJM 8017**, a non-binding memorial to the Federal Government to:

- 1) Relinquish jurisdiction over interstate pipeline safety to Washington state, and
- 2) Provide the state with additional funding to pay for the increased workload.

Both bills passed the Legislature, and were signed by Governor Locke. **HB 2420** provided one year of increased funding to the WUTC to cover the increased workload of regulating interstate pipelines, provided authority to do so was granted by the federal OPS.

Authority to regulate both interstate and intrastate pipelines was granted to the WUTC by the federal OPS in June 2000, and the WUTC increased its pipeline safety staff to approximately ten FTE inspectors, plus a program director, a policy support person, and administrative support.

HB 2420 also authorized the formation of a Citizens Committee on Pipeline Safety (CCPS), the mission of which is to advise state, federal, and local government agencies on natural gas and hazardous liquid pipeline safety matters. The CCPS is made up of thirteen members appointed by the Governor: nine voting members representing the public, city, and county governments, and four non-voting members representing the pipeline industry within the state. The initial membership of the CCPS:

Chuck Mosher, Mayor of Bellevue, – Chair

Bill Hinkle, Kittitas County Commissioner

Laura L. Parsons, Medical Lake City Council Member

Donald R. Evans, Executive Administrator, Utilities Underground Location Center

Sarah Spence, construction manager

Susan Harper, Executive Director, Fuel Safe Washington

Harry “Jay” Follman, President, Industrial Resources Inc.

Lee A. James, P.E., American Society of Mechanical Engineers

Richard Gilda, A-Total Service

Alan J. Cabodi, McChord Pipeline Company

Duane Henderson, Puget Sound Energy

Brad Rosewood, Chevron Pipeline Company

Grant A. Jensen, Williams Gas Pipeline Company

The above initial membership has changed slightly throughout the life of the CCPS: Bill Hinkle resigned, and was replaced by Les Olson, Thurston County Emergency Director. Susan Harper and Laura Parsons have resigned, and their replacements have not yet been announced.

The CCPS held it's first meeting on October 18, 2000, and has met on a monthly basis since that time. Meeting locations have varied throughout the state, and have included Olympia, Bellevue, Bellingham, and Pasco. In addition, members have participated in field trips to several pipeline facilities and sites, and have regularly interacted with Department of Ecology personnel responsible for fuel spill cleanup.



Committee members on a field trip to observe a field repair on the Olympic Pipeline near Newcastle.

The CCPS has been in operation for approximately 21 months, and it is appropriate that this report be issued to document its progress and future plans. Although this report covers the period since the beginning of committee operation, it is anticipated that, in the future, progress will be reported on an annual basis.

LEGISLATIVE ACTION

Considerable attention has been devoted in the initial actions of the CCPS toward legislative matters. The two bills in the 2000 Legislative Session, **HB 2420** and **SJM 8017**, have already been discussed above. Both of these bills were introduced, and passed, prior to the formation of the Citizens Committee; in fact, one of the provisions of **HB 2420** was the establishment of the CCPS.

As discussed previously, **HB 2420** provided one year of increased funding to pay for the additional workload of interstate pipeline inspection. Therefore, permanent legislation was

required to provide continued sustainable funding for the WUTC pipeline safety effort for the period beyond the first year. For that reason, **SB 5182** was introduced into the 2001 Legislative Session to provide continued sustainable funding. The CCPS studied **SB 5182**, and voted to support the bill. Several members of the CCPS testified before legislative committees on several occasions in support of **SB 5182**. The bill passed both houses of the Legislature, and was signed by Governor Locke May 11, 2001 (see photo below).



Governor Locke and interested parties at the signing ceremony for **SB 5182** May 11, 2001.

CURRENT COMMITTEE WORK

A key legislative goal for the CCPS is in the area of damage prevention; specifically, the enactment of legislation that strengthens and clarifies RCW 19.122, the “call-before-you-dig” laws. Although RCW 19.122 currently requires excavators and others to call and obtain information locating buried underground utilities prior to commencing excavation, enforcement of the law is ambiguous. Two different measures to clarify the “call-before-you-dig” law were contemplated for the 2002 Legislative session. One proposed bill was drafted by the WUTC, and the other by the Washington Utilities Coordinating Council (WUCC). The CCPS studied both measures, and although both were considered acceptable, the committee agreed to support the WUCC proposal. However, the 2002 Legislative Session was a “short session” that was dominated by budgetary and transportation issues, and neither proposed bill was actually introduced into the Legislature. Passage of damage prevention legislation remains a high priority of the CCPS, and the CCPS will take an active role in interacting with key legislators and other interested parties in the drafting and passage of an effective damage prevention bill in the 2003 Legislative session.

The United States Congress is also studying the enactment of more stringent pipeline safety legislation. The U.S. Senate has already passed **S. 235**, the “McCain Bill,” and the U.S. House of Representatives is presently considering **H.R. 3609**, the “Young Bill.” CCPS Chairman Chuck Mosher traveled to Washington, DC, and testified in support of **H.R. 3609** before the House of Representatives Committee on Transportation and Infrastructure on February 13, 2002. In addition, the CCPS issued a letter to Congressman Don Young, with coverage to the Washington Congressional delegation, urging passage of **H.R. 3609**, and in particular emphasizing an increase in state oversight, integrity management plans, mandated operator training, and an increase in pipeline safety funding. The CCPS will continue to work for the passage of federal legislation that increases pipeline safety.

COMMITTEE OBSERVATIONS

The Citizens Committee on Pipeline Safety believes that the hiring of additional WUTC field inspectors to look at interstate pipelines in Washington State is the most significant improvement in Washington State pipeline safety.

The Committee has received briefings from WUTC inspectors that were hired to oversee the interstate pipelines in Washington State. For the calendar year 2001, the WUTC has reported 39 inspections, covering 95 percent of the pipelines within the WUTC intrastate and interstate 2001 workplan. Several issues are being followed up on, but no problems of major significance have been noted.

The Joint Legislative Audit and Review Committee (JLARC) is conducting a review of the WUTC inspection program, as mandated in **SB 5182**. Results of this study are due in July 2003.